

# ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING DOWNTOWN AND TRANSITIONAL RESIDENTIAL DISTRICT ZONING REGULATIONS BY ADOPTING CHAPTER 9 OF TITLE 11 OF THE HELENA CITY CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

That Title 11, Zoning, Chapter 9, of the Helena City Code is hereby amended, as follows:

## CHAPTER 9

### DOWNTOWN DISTRICT AND TRANSITIONAL RESIDENTIAL DISTRICT

SECTION:

- 11-9-1: Intent
- 11-9-2: Definitions
- 11-9-3: Applicability of District Standards
- 11-9-4: Nonconformities
- 11-9-5: Administrative Adjustments
- 11-9-6: Uses
- 11-9-7: Design Standards

**11-9-1: INTENT:** This chapter provides design standards and administrative procedures specific to the Downtown and Transitional Residential Districts. These standards and procedures are intended to encourage the creation and preservation of mixed-use development opportunities, including a wide range of housing options serving a wide range of incomes and demographics; to provide for the protection and enhancement of historic and cultural resources; to establish minimum requirements and responsibilities for the installation of public

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improvements in support of redevelopment; and to encourage desirable site design for all development occurring in the districts ~~that reflects the vision and goals described for the area in the Downtown Helena Neighborhood Plan (adopted by Res. No. 20313).~~ These aspects are all essential for the development of a diverse, dynamic and desirable city environment. The interests of the community and the goals of the Growth Policy and ~~Neighborhood Plan~~ are further ensured through the application of this chapter.

**11-9-2: DEFINITIONS:** The following words and phrases, whenever used in this chapter, have the meanings defined in this section unless the context clearly requires otherwise. For any term not specifically defined below, the definitions contained in Chapter 4 of this Title apply.

ADMINISTRATIVE ADJUSTMENT: A staff determination regarding minor modifications to the required transparency, building entrance design standards, and façade wall segment length.

~~Double Frontage:~~ ~~when a lot, building or structure fronts more than one street or right of way along multiple lot lines. Double frontage may apply to a structure or business under single ownership, a building that has multiple businesses with unique entrances on separate frontages, or a developed lot with multiple structures having unique entrances on separate frontages.~~

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FACADE WALL SEGMENT:	The number of linear feet an exterior wall may extend, unbroken (without physical articulation or offsets, change in material, window transparency or an entryway) along a primary or secondary street.
GROUND FLOOR STORY:	The first floor of a building or structure, measured above ground from street grade.
LOADING AREA:	A parking space or berth, directly serving a building for the loading or unloading of merchandise or material, and which has access to a street, alley, or other appropriate means of ingress and egress.
LOT LINE, COMMON:	A lot line shared by two lots, having no street frontage.
LOT LINE, PRIMARY:	The property frontage designated to bear the address and principle entrance to the building.
LOT LINE, SECONDARY:	On corner lots or lots in which a building has <del>double</del> <u>multiple</u> frontages <del>on two opposing streets,</del> <u>the any</u> lot line or street frontage that does not serve as the principle entrance point.

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~~OUTDOOR AMENITY: Refers to outdoor space on a lot that is communal and available for use by the occupants of a building or business on the lot for recreational or social activities. This includes outdoor seating or gathering space which directly serves customers of a restaurant or bar, and may also include gathering spaces for employees of such businesses, or space for tenants of buildings which incorporate a mix of uses including residential.~~

~~OUTDOOR STORAGE: The storage of items such as boats, vehicles, recreational vehicles, contractor supplies, construction materials, and other similar items outside of a completely enclosed area.~~

PAINTED WALL SIGN: Defined as a sign that is painted onto the exterior façade of a building.

PARKING SETBACK: The distance in which a parking lot must be set back from the primary or secondary lot line, when located adjacent to a building.

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PROJECTING SIGN:	A sign affixed to the exterior wall of the building and which extends perpendicular to the facade of the building or structure.
SANDWICH BOARD SIGN:	Defined as a freestanding sign made of two boards bearing advertisement, connected at the top by straps or similar means.
<del>SMALL SCALE MANUFACTURING:</del>	<del>A small scale industrial use involving the production, retailing and distribution of products (including micro-breweries, micro-distilleries, small batch manufacturing or food production) and general commercial services.</del>
STACKING LENGTH:	Refers to the linear distance required for a certain number of cars to line up end to end in a drive-through aisle.
<del>SUSPENDED SIGN:</del>	<del>a sign suspended from above from a pole, awning, canopy or other structural element.</del>
TRANSPARENCY:	The degree, measured as a percentage, to which a façade <u>wall segment</u> , has clear, transparent windows on each story.

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**11-9-23: APPLICABILITY OF DISTRICT STANDARDS:** ~~The design standards presented in t~~This Chapter shall be applieds to all new development and redevelopment occurring properties and buildings within the Downtown and Transitional Residential District boundaryies as follows. ~~The provisions of Title 11 apply unless provided otherwise in this chapter.~~

**11-9-4: NONCONFORMITIES:** ~~The design standards presented in this Chapter shall be applied to all new development and redevelopment occurring within the District boundary as follows:~~

A. ~~Existing Structures: Lots/buildings in existence at the time of adoption of this Chapter or any amendment thereto are subject to the following conditions:~~

1. ~~Buildings, structures, development, site, signs, improvements, or other appurtenance which legally existed on the effective date of this Chapter and that do not conform to the design standards herein may continue until a physical change to the affected elements is proposed. At such time a change is made, the affected element(s) of the building, structure, development, site, sign, or improvement, shall be required to comply with the applicable design standard(s), and shall be permitted in accordance with the review procedures of this Chapter.~~

2. ~~Buildings individually listed on the national register or designated a contributing or primary property to the historic district shall not be required to make any modifications that would threaten their historic integrity.~~

3. ~~All other provisions of Title 11, Chapter 6 shall apply to legally non-conforming buildings, lots and uses within the Downtown District.~~

A. Buildings undergoing a structural change to a façade wall segment that affects 25% or more of that façade wall

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segment must comply with all applicable design standards for the affected building story(s).

- B. Additions or Expansions to Existing Structures: Buildings undergoing a structural addition or expansion that results in an increase of 25% or more of the existing floor area of the entire building/structure (all stories) ~~shall be required to~~ must comply with all applicable design standards.
- C. ~~New Development Remodel and Redevelopment: Undeveloped or vacant lots and the redevelopment of existing lots shall be required to comply with all applicable design standards and procedures for the Downtown District. For the purposes of this Chapter, redevelopment is defined as the complete demolition and rebuild of an existing structure, or~~ Buildings undergoing a remodeling of an existing structure that affects more than 75% of the existing floor area ratio (all stories) ~~or increases the total floor area of the structure by 75%~~ must comply with all applicable design standards except for those found in 11-9-7(B).
- D. Buildings individually listed on the National Register of Historic Places or designated a contributing or primary property to a historic district ~~shall~~ are not be required to make any modifications that would threaten their historic integrity.
- E. All other provisions of Title 11, Chapter 6 shall apply to legally non-conforming buildings, lots and uses within the Downtown and Transitional Residential Districts.

## 11-9-5: ~~DISTRICT ADMINISTRATION~~ ADMINISTRATIVE ADJUSTMENTS:

- A. ~~Pre Application Meeting. Applicants with development proposals located within the Downtown District are encouraged to schedule a pre-application meeting with Community Development staff. Applicants proposing additions~~

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~~or expansions to existing structures resulting in an increase greater than 25% of the existing floor area ratio, new development or the redevelopment of property within the district are required to schedule a pre-application meeting. The meeting will give the applicant an opportunity to review the proposal with staff from representative city departments to receive comments about the potential impact the application may have on public facilities and services, and to review the applicable design standards required within the Downtown District.~~

~~Applicants submitting a request for a use on property within the District requiring the Community Development Director or designee's determination are required to participate in a pre-application meeting to determine the appropriateness of the use before proceeding with a formal application.~~

~~It is intended that the meeting be conducted prior to the applicant's preparation of a final site plan and design.~~

~~1. Pre-Application Process: Applicants requesting a pre-application meeting will be required to submit a City of Helena Pre-Application Information Form. Information to be provided includes:~~

- ~~a. Applicant's contact information;~~
- ~~b. Legal description and general location of the site;~~
- ~~c. General vicinity map;~~
- ~~d. Description of the project, including proposed uses/use categories and general site design elements;~~
- ~~e. Environmental site conditions and drainage provisions; and~~
- ~~f. Existing infrastructure, circulation and parking, and street access.~~



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~~g. A sketch plan of the proposed development showing (at minimum) the proposed building massing, orientation and setback on the property.~~

~~2. The meeting will be scheduled within ten (10) working days after the applicant submits the above pre-application materials to the City.~~

~~B. Application and Site Plan Review. All development occurring within the Downtown District shall undergo review for compliance with the applicable design standards of the District.~~

~~1. An applicant wishing to develop or redevelop a property in accordance with a permitted use category shall must submit to Community Development Department the following information for staff review and approval:~~

~~a. A description of the proposed use(s) to occur on the property, and their compliance with the use categories permitted under this chapter.~~

~~b. A detailed site plan showing the existing and proposed:~~

~~(1) Pedestrian, vehicular and bicycle ingress/egress to the property and circulation onsite;~~

~~(2) Parking and loading areas (including waste receptacle location and shielding);~~

~~(3) Location of the structure(s) demonstrating compliance with applicable placement and massing standards;~~

~~(4) Preliminary architectural drawings and street elevations showing dimensions of the structure and demonstrating compliance with applicable height, massing and activation standards;~~

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~~(5) Shared parking analysis, if applicable;~~

~~(6) Location of landscaping and screening;~~

~~(7) Location of utilities;~~

~~(8) Location of signage and lighting, demonstrating compliance with applicable design standards;~~

~~(9) Stormwater drainage plan, including location and design of environmental elements required under of this chapter.~~

~~e. Vicinity map and description of surrounding property, utilities, existing land use and zoning designation(s);~~

~~d. Materials supporting a deviation request or a variance request to a prescribed design standard (as permitted in and below), where applicable.~~

~~C. Administrative Review and Approval Community Development and associated information demonstrating compliance with allowable use categories and all applicable design standards of the District. Design standards that directly reference Public Works, Building Code and Parks and Recreation requirements shall be reviewed by their respective departments, in coordination with Community Development staff. If all standards and requirements have been met, a certificate of zoning compliance will be issued within thirty (30) working days of the application's submittal.~~

~~EA. Transparency and Building Entrance Standards Deviation Process For deviations to allowable design standards, requests with justifications and plans must be submitted in writing to the Community Development Director, who will evaluate the request on a case-by-case basis before issuing~~

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a written response. Requests for an administrative adjustment to required façade wall segment, transparency, and building entrance design standards, with justifications and plans supporting such request, must be submitted in writing to the Community Development Director, who will evaluate the request on a case-by-case basis before issuing a written determination.

- B. Notice that a request for an administrative adjustment has been submitted must be posted at the property and mailed to the subject property owner and all owners of property within 150 feet of the subject property at least 20 days before a final decision or action on the requested administrative adjustment.
- C. The Community Development Director must review each request for an administrative adjustment and act to approve the application, approve the application with conditions, or deny the application. The request may only be approved when the Community Development Director determines that the request is consistent with all relevant purpose and intent statements for the Downtown and Transitional Residential Districts. Any adverse impacts resulting from the administrative adjustment must be mitigated to the maximum extent feasible.
- D. Final decisions of the Community Development Director may be appealed by any person aggrieved by the decision in accordance with the procedures of section 11-1-9 of this Title.
- ~~D. Board of Adjustment Review and Approval For Variances to allowable design standards, not including and building~~

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~~entrance standards, the Board of Adjustment will review the application and make a determination on the appropriateness of the variance request. The process shall follow that which is outline under Title 11, Chapter 5.~~

## **11-9-56: USES:**

~~The nature of the District anticipates a mix of uses permissible and appropriate anywhere within the Downtown District boundary. The following use categories provide parameters on the types of uses appropriate within the district, based on the definitions found in Section 11-2-4 of the Helena Zoning Ordinance and identify select uses that are not permitted within the District at any time. The permitted and not permitted uses in the Downtown and Transitional Residential Districts are as shown in Chapter 2 of this Title.~~

~~A. Residential: All residential uses defined under Section 11-2-4 of the Helena Zoning Ordinance shall be permitted through the Administrative Review and Approval process. Any residential use not currently defined by code but that meets the definition of 'dwelling' and provides temporary or permanent shelter may be permitted upon review and determination by the Community Development Director.~~

~~1. Exceptions: First floor residential uses (proposed after the adoption of these regulations) are not permitted within the District unless a site is located in the Transitional Residential District.~~

~~B. Commercial: All non-residential uses defined under Section 11-2-4 of the Helena Zoning Ordinance shall be permitted through the Administrative Review and Approval process. Broadly applied to promote a diverse mix of uses, the commercial use category in the Downtown District shall include a wide range of uses and services, such as~~

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~~restaurants, medical facilities, taverns and pubs, financial services, visitor lodging, educational facilities, government services, general repair services, retail sales, daycare centers, gasoline service stations, general professional services, small scale manufacturing, and general commercial services. Any non-residential use not currently defined in code that meets the intent of this category may be permitted upon review and formal determination by the Community Development Director.~~

- ~~1. Exceptions: Industrial and large-scale manufacturing uses are not permitted within the District.~~

~~C. Public: All public uses shall be permitted through the Administrative Review and Approval process. The Public use category includes those uses defined under Section 11-2-4 of the Helena Zoning Ordinance as Community Uses, Transportation and Recreation and includes parks and open space, bus stops, parking structures, and public services. Any public use not currently defined in code that meets the intent of this category may be permitted upon review and formal determination by the Community Development Director.~~

- ~~1. Exceptions: Correctional facilities, airports, freight terminals and railroad yards are not permitted within the District.~~

**11-9-67: DESIGN STANDARDS:** The following design standards apply to all properties and uses within the Downtown and Transitional Residential Districts, in accordance with the Applicability Standards set forth in Section 3.

A. Site

Design Standard	Additional Requirements
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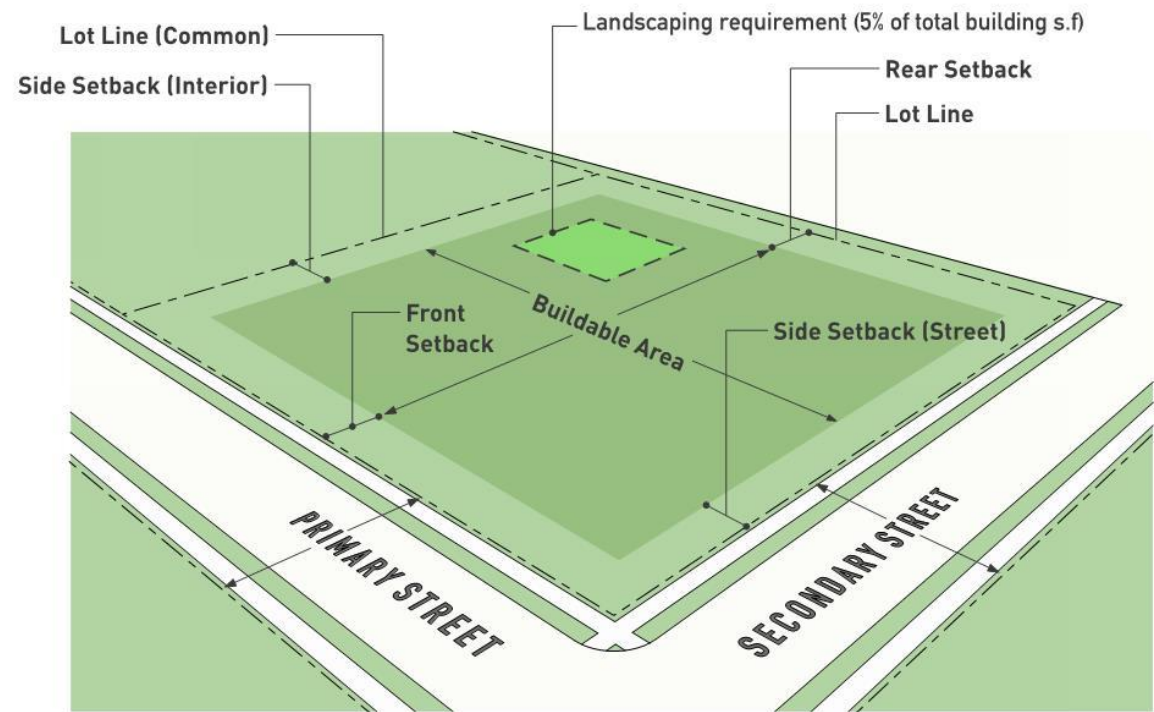
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1. <u>Lot</u> Size	No minimum	
2. <u>Lot</u> Width	No minimum	
3. Lot Coverage	50% minimum	
4. Landscaping	Minimum 5% of ground floor <u>story</u> sq. footage	<u>Reference Figure 1.</u> May be located anywhere onsite <del>as required in Section X</del> below.
<del>5. Outdoor Amenity</del>	<del>See Section 7</del>	

FIGURE 1: GENERAL SITE ELEMENTS

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**B. Building Placement** All setback requirements assessed apply only to the ground floor story. ~~Dimensional standards~~ Building placement standards do not apply to interior renovations remodeling.

Design Standard			Additional Requirements
1. Lot Line, Primary Street	0 ft. setback	A minimum of 50% of the building frontage is required to meet the zero lot line setback.	Reference Figures 1 and 2.

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2. Lot Line, Secondary Street	0 ft. setback	A minimum of 50% of the building frontage is required to meet the zero lot line setback.	<u>Reference Figures 1 and 2.</u> Where a secondary street frontage abuts a <del>transitional overlay area</del> <u>Transitional Residential District</u> , first floor residential <del>shall</del> <u>must</u> be permitted along the secondary street frontage.
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<p><b>3. Lot Line, Common</b></p>	<p>0 ft. setback</p>	<p>If abutting a <u>residential R-U, R-1, R-2, R-3, R-4, R-0, or TR districts</u>, a 10 ft. minimum setback <del>with vegetative screening or fencing (in conformance with Title 11.24.5(c) of City Code)</del> is required.</p>	<p><del>The setback is not to include parking or circulation.</del></p> <p><u>Reference Figures 1 and 2.</u></p> <p><u>If a setback is required, the setback must be comprised of vegetative screening or fencing that conforms to the requirements as specified in Chapter 24 of this Title. This setback cannot include vehicle parking or circulation.</u></p>
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<p><b>4. Lot Line, Rear</b></p>	<p>0 ft. setback</p>	<p>If abutting a <del>residential</del> <u>R-U, R-1, R-2, R-3, R-4, R-0, TR districts</u>, a 10 ft. minimum setback <del>with vegetative screening or fencing (in conformance with Title 11.24.5(c) of City Code</del> is required.</p>	<p><u>Reference Figures 1 and 2.</u></p> <p>The setback shall be in addition to parking or circulation space necessary to serve the site.</p> <p><u>If a setback is required, the setback must be comprised of vegetative screening or fencing that conforms to the requirements as specified in Chapter 24 of this Title.</u></p>
<p><b>5. Corner Lot Orientation</b></p>	<p>0 ft. setback</p>	<p>On corner lots or lots with multiple street frontages, building placement must conform to primary or secondary frontage requirements.</p>	<p><u>Reference Figure 2</u> for guidance on building placement.</p> <p><del>If a variance to setback is requested, the maximum setback allowable along the primary and secondary lot line shall not exceed 10 ft.</del></p>

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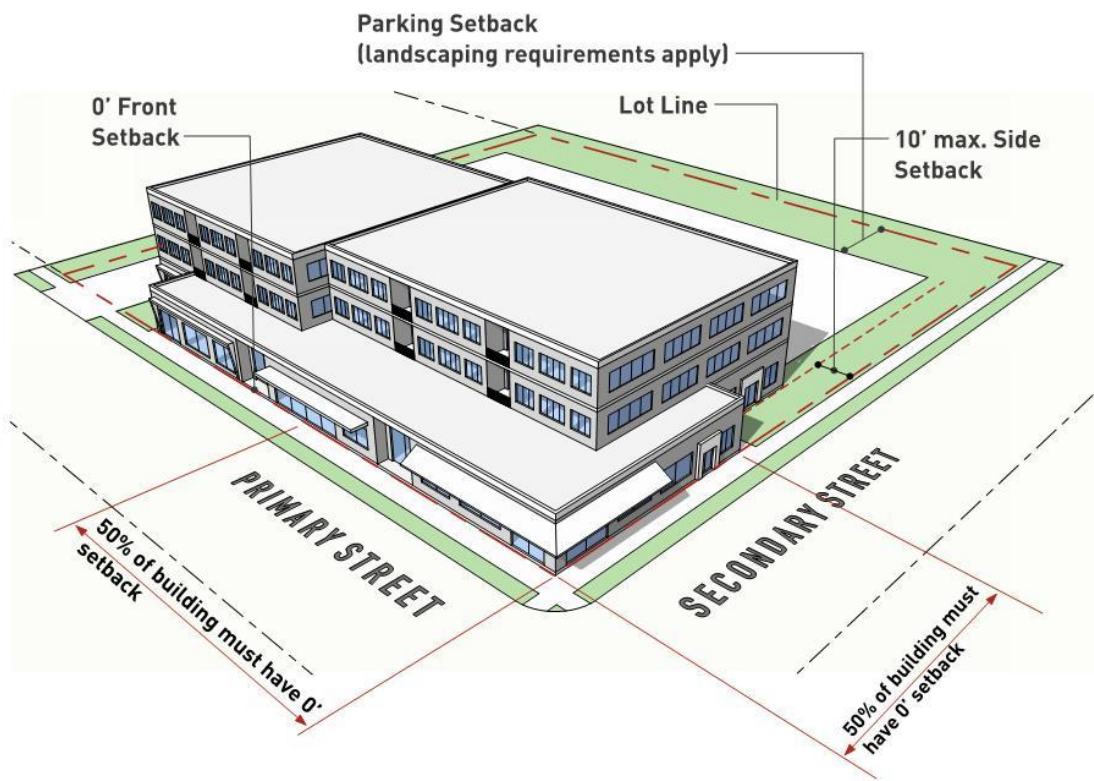
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<b>6. Surface Parking Setback</b>	10 ft. minimum	The setback is applicable only when parking is located adjacent to the building/ <del>structure</del> .	Reference Figure 2.  The setback must be <del>landscaped in</del> <u>conformance with requirements as specified in Chapter 24 of this Title.</u> <del>requirements shall apply to the setback, pursuant to Section XI below.</del>
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FIGURE 2: BUILDING SETBACK AND ORIENTATION



## C. Height and Massing

Design Standard		Additional Requirements
<b>1. <u>Structure Building Height</u></b>	22 ft. minimum No maximum height applied in <u>Downtown District</u> , except for lots/structures located	Reference Figure 3. <u>Building height is determined as stated in Title 11-4-1 of the City Code</u> <u>Building height is measured from the ground floor story at grade.</u>

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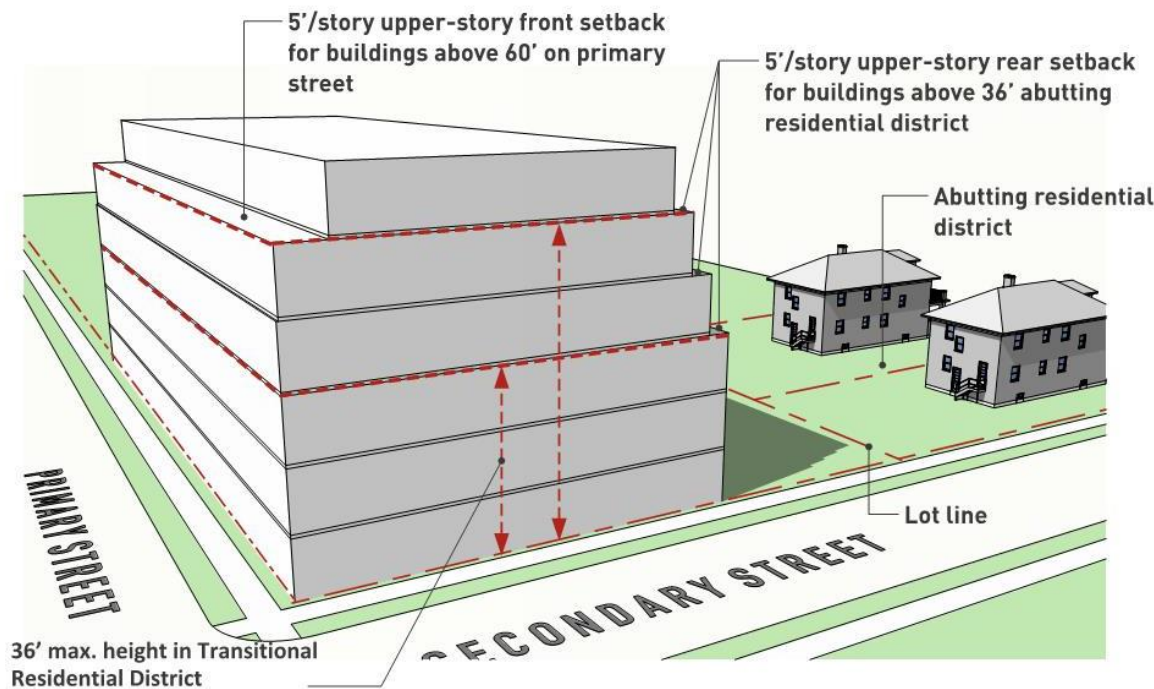
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	<del>within the Transitional Residential District; then</del> 36 ft. maximum height <del>applies in</del> <u>in Transitional Residential District.</u>	<p>Height in excess of 36 ft. abutting <u>R-U, R-1, R-2, R-3, R-4, R-O, TR districts</u> <del>a residential zone (outside the Downtown District) or the Transitional Residential District</del> requires upper-story setbacks on rear property boundary at a minimum of 5 ft./story.</p> <p>Height in excess of 60 ft. requires upper story setbacks at a minimum of 5 ft./story along primary and secondary street frontages.</p>
<b>2. Ground Floor Story Height</b>	12 ft. minimum from top of floor to top of floor	<del>Reference Figure 7</del>
<b>3. Primary/Secondary Street Façade Wall Segment Length</b>	45 ft. maximum	<p>Offsets for visual articulation along building frontage are required after 45 feet of linear wall surface. <del>Visual articulation is intended to give the appearance of the traditional development pattern.</del></p>

**FIGURE 3: BUILDING HEIGHT AND MASSING**

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## D. Activation

### 1. Transparency

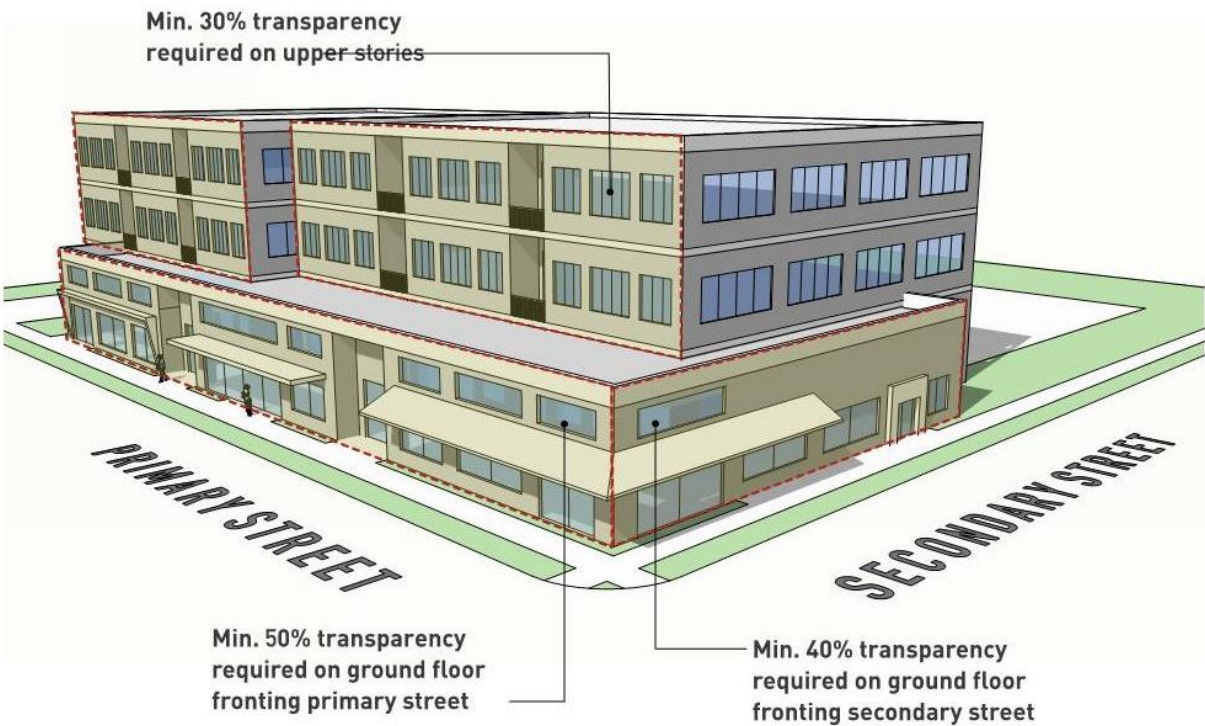
Design Standard		Additional Requirements
a. Ground <u>Floor</u> Story, Primary Street <u>Frontage</u>	50% minimum	<u>Reference Figure 4</u>
b. Ground <u>Floor</u> Story, Secondary Street <u>Frontage</u>	40% minimum	<u>Reference Figure 4</u>

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c. Upper Stories	30% minimum	Reference Figure 4
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FIGURE 4: BUILDING TRANSPARENCY



## 2. Pedestrian Access

Design Standard		Additional Requirements
a. Entrance Spacing	Minimum of one (1) pedestrian entrance along primary street frontage required	Reference Figure 5

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<b>b. Walk/ Approach Width</b>	<p>5 ft. minimum width for single door entrance.</p> <p>10 ft. minimum width for double/revolving door entrance.</p>	Reference Figure 5
<b>c. Awnings and Canopies</b>	<p>10 ft. minimum height above grade.</p> <p>6 ft. maximum overhang into <u>ROW right-of-way</u>.</p> <p>Ground floor <u>story</u> only.</p>	<p><del>Awnings will required a ROW use permit pursuant to Title 7-13-3(C)(2) of the City Code.</del></p> <p><del>Reference Figure 10</del></p>

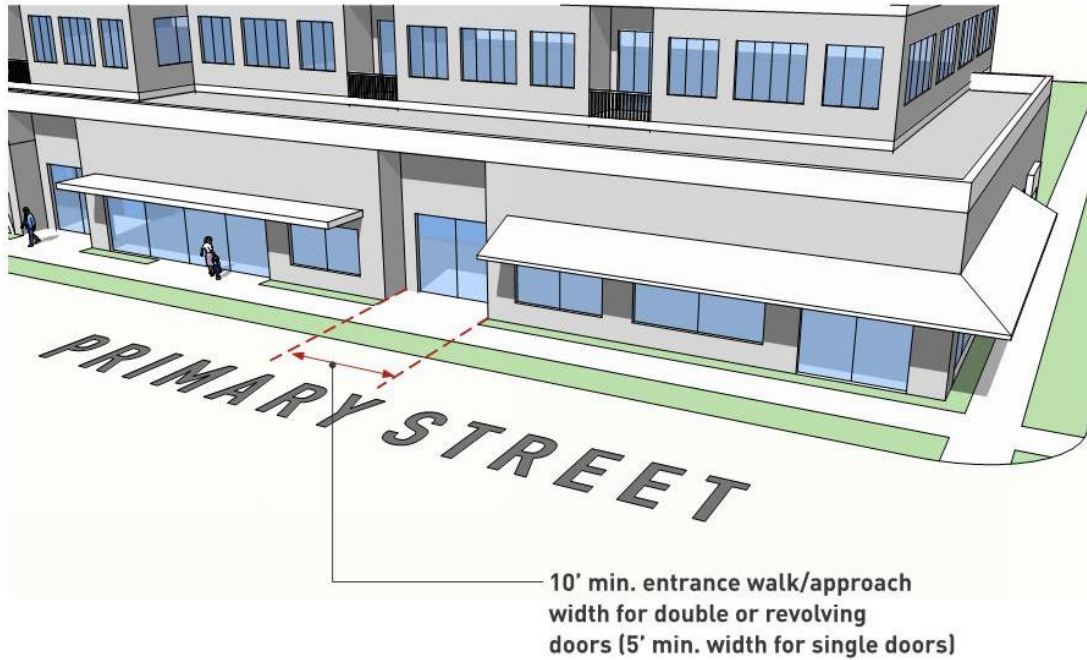
**FIGURE 5: ACCESS AND SPACING**



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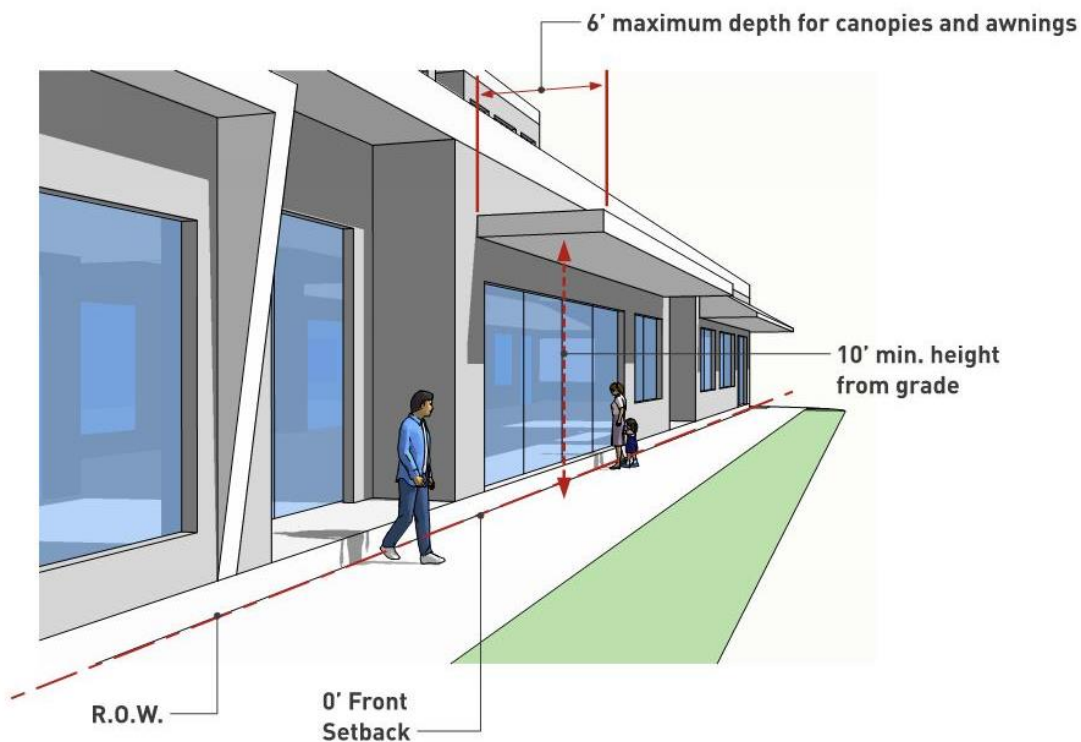
\* Minimum of one pedestrian entrance required along primary street frontage.



~~Figure 6: AWNINGS AND CANOPIES~~

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## 3. Vehicle Access

Design Standard		Additional Requirements
<b>d. Entrance Spacing</b>	<del>125 ft. minimum</del>	<del>Where entrance/exit points are shared, the minimum spacing requirements may be waived.</del>
<b>e. Approach Width</b>	<del>12 ft. maximum (single lane and shared access)</del> <del>24 ft. (double</del>	

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	lane)	
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## 4. 3. Parking

Design Standard		Additional Requirements
<b>a. Location</b>	Rear or side of <del>structure</del> <u>building</u>	No parking <del>shall be</del> <u>is</u> permitted <u>on the property</u> in front of a building along the primary/ <u>or</u> secondary street frontages, unless <u>it is in the form of structured a parking structure</u> meeting the requirements of this Section.  <u>Reference Figure 7</u>
<b>b. Space Allocation</b>	No parking minimums  Maximum Allowance:  <u>Residential uses:</u> <u>DT district: 1 space/dwelling unit</u> <u>TR district: 2</u>	Maximum parking <del>allocations</del> may be increased, <del>(through the variance process)</del> <u>as provided for in Chapter 5 of this Title</u> , if no public or shared parking option is available within <del>300</del> <u>700</u> linear feet of the property line.  <del>Maximum parking allocations may be increased when limitation does not apply to structured a parking is structure proposed onsite,</del> <u>that meetings</u> the requirements of this Section.

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	<div>spaces/dwellin g unit</div> <div>Ground floor story commercial:</div> <div>DT and TR districts: 2 spaces/1,000 sq. ft.</div> <div>Upper story commercial: DT and TR districts: 1 space/1,000 sq. ft.</div> <div><del>1</del> <del>space/dwelling</del> <del>unit for</del> <del>residential</del> <del>uses</del></div> <div><del>2 spaces/1,000</del> <del>sq. ft. of</del> <del>ground floor</del> <del>story</del> <del>commercial</del></div>	
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	<del>1 space/1,000 sq. ft. of upper story commercial</del>	
<b>c. Parking Structure</b>	<del>First <u>Ground</u> floor <u>story</u> space <u>must be</u> occupied by a <u>non-parking</u> use along primary and secondary street frontages</del>	<del>All <u>other</u> design standards <u>shall</u> apply to parking structures, with the exception that maximum parking caps <u>shall be lifted</u> <u>do</u> <u>not apply</u> <u>where if a structured</u> parking <u>structure</u> replaces surface parking onsite.</del>
<b>d. Drive-Through Aisles and Stacking</b>	<del>Drive-Through Aisle width = 10 ft. minimum</del>  <del>Stacking length = 2 cars maximum</del>	<del>Drive-<u>thru</u>through aisles and circulation <u>shall</u> <u>must</u> be located to the rear of the structure.</del>  <del><u>Drive-through aisles and</u> <u>circulation must be separated</u> <u>from a residential use or from R-</u> <u>U, R-1, R-2, R-3, R-4, R-O, or TR</u> <u>Districts by a minimum of 50 ft.</u> <u>with vegetative screening or</u> <u>fencing in conformance with</u> <u>requirements as specified in</u> <u>Chapter 24 of this Title.</u></del>  <del>Drive-thru aisles and circulation must be separated from an existing residential development use by a minimum of 50 ft. and with vegetative screening or</del>

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		<p><del>fencing. Screening or fencing must be in conformance with Title 11.24.5(c) of City Code.</del></p> <p>No more than two aisles permitted onsite.</p>
<b>e. Loading and Service Entry Location</b>	Rear or side of <del>structure</del> <u>building</u>	<p>Loading docks, overhead doors <del>(for the purpose of loading and delivery)</del> and other service entries <del>shall</del> <u>are</u> not <del>be located</del> <u>permitted</u> on primary street frontages <del>unless access from an alley or parking area is not possible due to site constraints.</del></p>
<b>f. Parking Lot Landscaping</b>	<p><del>Reference Sections 11-24-4 and 11-24-6 of the Zoning Code for minimum landscaping requirements in parking lots.</del></p> <p><del>Additional landscaping requirement found in Section XI below shall apply.</del></p> <p><u>Landscaping must conform</u></p>	

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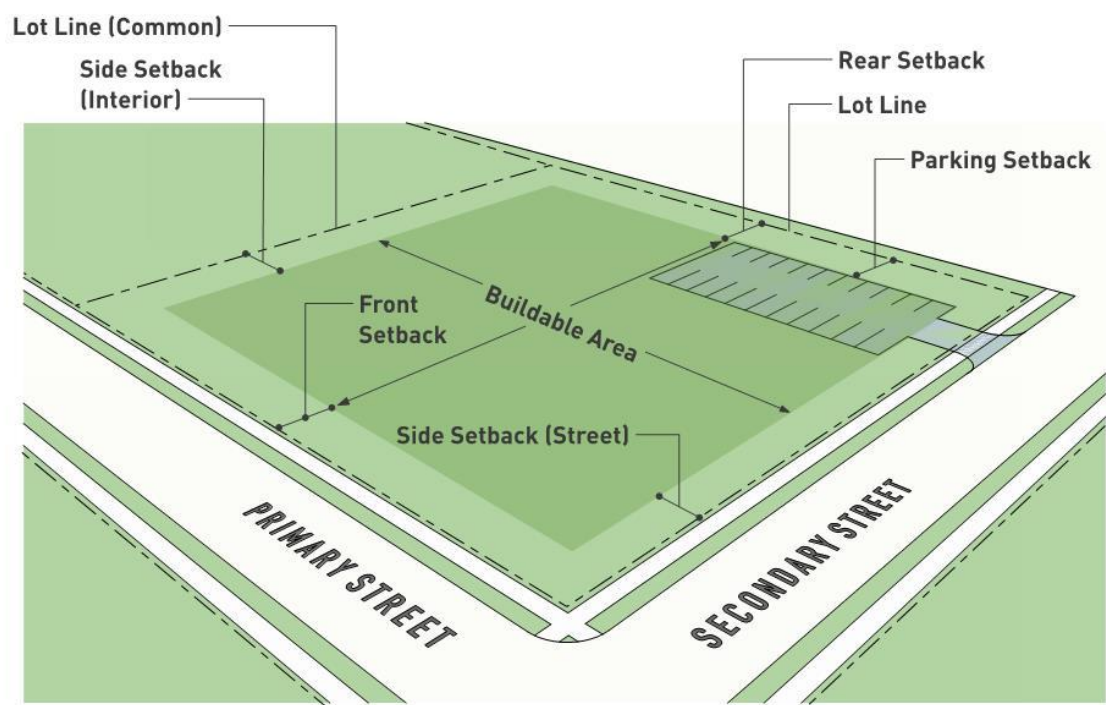
	<u>with</u> <u>requirements</u> <u>as specified</u> <u>in Chapter 24</u> <u>of this Title.</u>	
<b>g. Bicycle Parking</b>	Reference <del>Section 11-22-</del> <del>8 of the</del> <del>Zoning Code</del> <del>Chapter 22 of</del> <del>this Title</del> <u>applies for</u> minimum bicycle space requirements.	
<b><del>h. Trash</del> <del>Receptacle</del> <del>Location</del></b>	<del>Rear of</del> <del>structure</del>  <del>Receptacle</del> <del>shall be</del> <del>shielded from</del> <del>view using</del> <del>brick, wood,</del> <del>concrete or</del> <del>fencing</del> <del>material that</del> <del>conceals the</del> <del>activity on a</del> <del>minimum of 3</del> <del>sides, or by</del> <del>constructing a</del> <del>box structure</del> <del>with gate to</del>	<del>Location and design shall meet</del> <del>the requirements of Title 6,</del> <del>Chapter 1 – Sanitary Regulations</del> <del>in the City Code and require</del> <del>approval from Public Works as</del> <del>part of the review process.</del> <del>Access to the receptacle will</del> <del>meet with engineering standards.</del>

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	<del>conceal receptacles.</del>	
<del>i. Outdoor Storage</del>	<del>Prohibited in the District</del>	<del>See definitions in Section 8 for further guidance.</del>

FIGURE 7: PARKING LOCATION AND ORIENTATION



5- 4.Landscaping

Design Standard	Additional Requirements
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<p><b>j. Primary/ Secondary Lot Line Setback</b></p>	<p>Landscaping in accordance with Section <del>XI</del> is required where a building <del>or</del> structure does not meet the 0 ft. setback requirement along a primary/ <u>or</u> secondary street frontage.</p>	<p><del>Landscaping requirements of the District may be reduced or waived where an outdoor amenity is proposed onsite.</del></p> <p><del>Reference Figure 8</del></p> <p><u>Landscaping must conform with requirements as specified in Chapter 24 of this Title.</u></p>
<p><b>k. Common Lot Line Setback</b></p>	<p>Landscaping is required within setback when abutting <u>R-U, R-1, R-2, R-3, R-4, R-O, or TR Districts</u> <del>residential district.</del></p>	<p><del>Landscaping requirement may be reduced or waived if setback is being utilized for pedestrian circulation, onsite stormwater retention features or activated space.</del></p> <p><u>Landscaping must conform with requirements as specified in Chapter 24 of this Title.</u></p>
<p><b>l. Boulevard/ Street Trees</b></p>	<p><del>Minimum one (1) tree for every 35 linear ft. of primary/second ary street frontage</del></p>	<p><del>Boulevard/street tree placement shall comply with the provisions of Title 7, Chapter 10, Section 5 of the City Code and the Helena Arboriculture Standards.</del></p> <p><del>Placement shall not obstruct entrances or create noncompliance</del></p>

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		<del>with the ADA requirements of the City.</del>  <del>The mature tree canopy shall be a minimum of 14 feet above street grade to reduce conflicts with signage.</del>
<del>m. Boulevard Landscaping</del>	<del>Where a boulevard is present, the property owner/applicant shall be responsible for landscaping and maintaining this area in accordance with City standards and pursuant to Section XI Landscaping Standards of this District</del>	<del>Landscaping in publicly-owned boulevards shall comply with the landscaping requirements of the Parks and Recreation Department found in Title 7, Chapter 10, Section 5 of the City Code.</del>

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FIGURE 8: LANDSCAPING AND OUTDOOR AMENITY LOCATION



## 6- 5. Signs

Freestanding pole signs, billboards, roof signs, inflatable signs, animated signs, and changeable copy signs, (unless altered manually), are not permitted at any time in the Downtown Districts. The definitions contained in Chapter 23 of this Title apply unless specifically defined in this Chapter. The stated signage exemptions in Section 11-23-9(A) of the City Code Chapter 23 of this Title apply to this the Districts. All other signs must follow the applicable design standards identified in the District Designs Standards in Section VI above standards below.

Design Standard	Additional Requirements
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<p><b>a. Total Area</b></p>	<p><del>Commercial/Public</del>  <math>\div 120</math> sq. ft.  maximum <u>per</u>  <u>building</u></p> <p>Home Occupation <math>\leq</math>  <u>6</u> sq. ft. maximum</p>	<p>Total sign area <del>shall be</del> <u>is</u>  based on the primary use of  the lot/structure.</p> <p>Total sign area may be  divided between sign types as  set forth below <u>for wall</u>  <u>signs, painted wall signs, and</u>  <u>window signs.</u></p>
<p><b>b. Wall Sign</b></p>	<p>Maximum 30% of  primary building  facade square  footage (not to  exceed total sign  area permitted)</p>	<p>Signs may be externally  illuminated with down  directed, fully shielded  fixtures only.</p> <p>Reference Figure 9</p>
<p><b>c. Painted Wall Sign</b></p>	<p>Maximum 40% of  primary building  facade square  footage (not to  exceed total sign  area permitted)</p>	<p>Painted wall signs are  permitted on any exterior  building wall <del>of an</del>  <del>individual tenant space or</del>  <del>building and shall be</del>  <del>professionally painted.</del></p> <p>Signs may be externally  illuminated with down  directed, fully shielded  fixtures only.</p> <p><del>Historic ghost signs are</del></p>

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		<del>exempt from the dimensional requirements and total sign area restrictions of this section.</del>
<b>d. Window Sign</b>	Maximum 30% of primary building facade ground floor <u>story</u> window area (not to exceed total sign area permitted)	
<b>e. Monument <u>Sign</u></b>	1 sign/frontage 60 sq. ft. maximum  6 ft. height maximum	Combined signage required for buildings with multiple business activities.  <del>Monument Signs may be externally illuminated in accordance with Chapter 23 of Title 11 with down directed, fully shielded fixtures only.</del>  Reference Figure 10
<b>f. Canopy/ Awning Sign</b>	1 sign/canopy 1 sq. ft./lineal foot of awning width  & <u>10</u> ft. height minimum	<del>Canopies or awnings that encroach into the public right-of-way shall require an exclusive right-of-way use permit as part of the application process (pursuant to Title 7, Chapter 13 of the</del>

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		<del>Helena City Code.</del>  External illumination of a canopy or awning sign is not permitted.
<b>g. Projecting/ Suspended Signs</b>	1 sign/business  16 sq. ft. maximum  8 ft. height minimum (from bottom of sign to grade)  4 ft. maximum projection  <del>Located on or immediately adjacent to the business identified.</del>	Signs may be externally illuminated with down directed, fully shielded fixtures only.  Reference Figures 10 and 11
<b><del>i. Supplemental/Temporary Signs</del></b>	<del>1 sign/business           12 sq. ft. maximum</del>	<del>As defined in Title 11, Chapter 23, temporary signs may include 'Sale' signs and banners related to the business.</del>
<b>h. Sandwich Board <u>Signs</u></b>	1 sign/business  12 sq. ft. maximum per sign face	<del>Defined as a freestanding sign made of two boards bearing advertisement, connected at the top by straps or similar means.</del>

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	<p>May not be located in the public right-of-way if location impacts universal accessibility (in accordance with ADA).</p>	<p>Signs shall must be removed from location at the close of business.</p>
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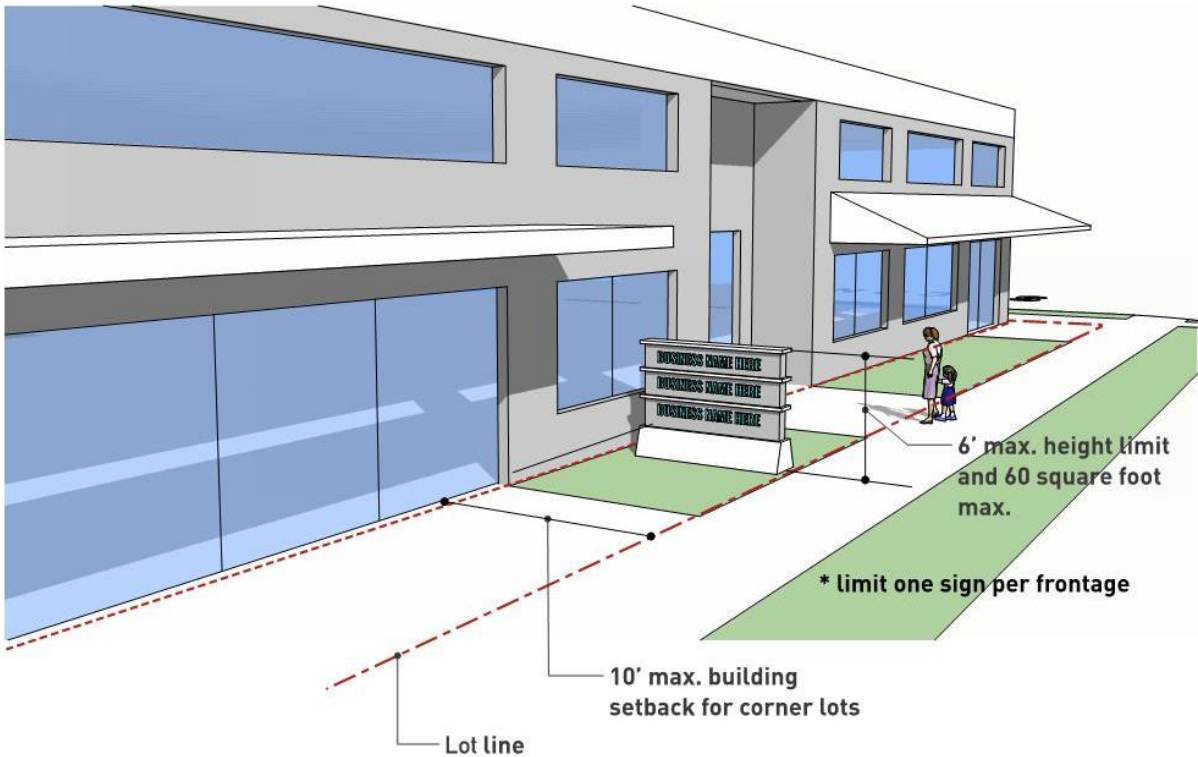
FIGURE 9: WALL SIGNS



FIGURE 10: MONUMENT SIGNS

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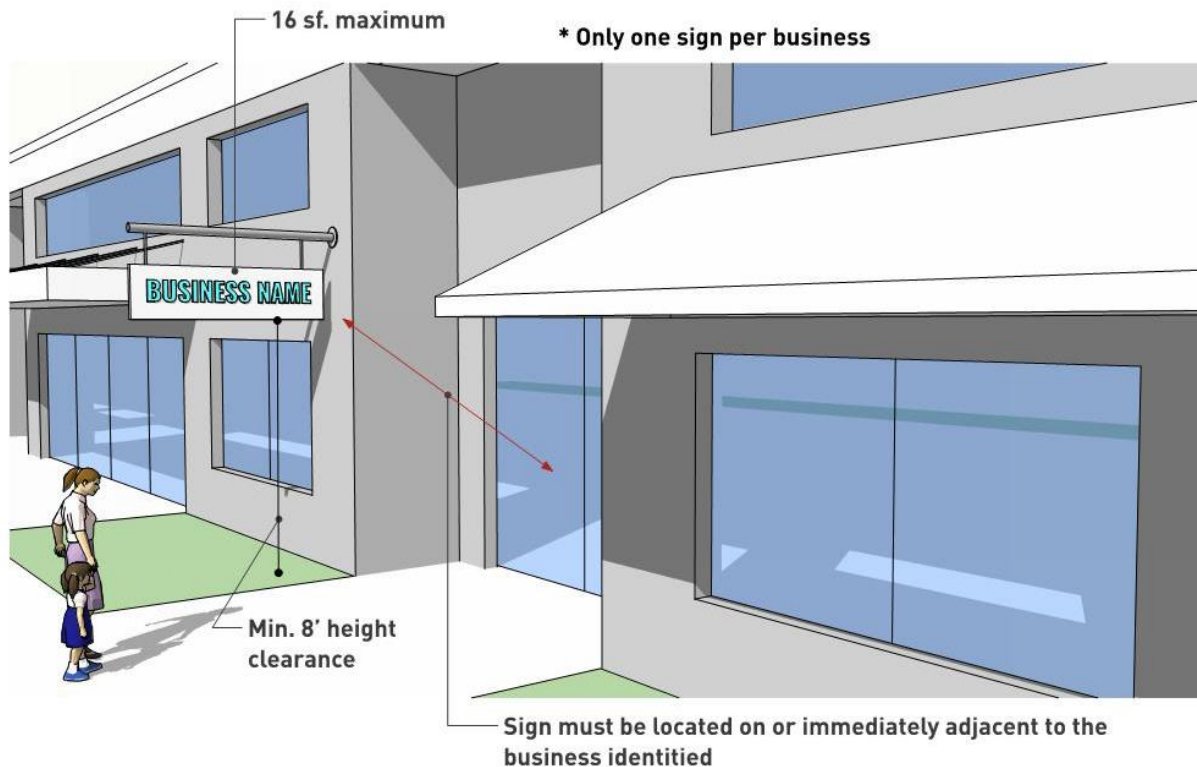




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FIGURE 11: PROJECTING/SUSPENDED SIGNS



## ~~VII. Outdoor Amenity Standards~~

- ~~A. Public patio/seating space for restaurant establishments must meet all applicable American's with Disabilities Act standards, International Building Code (IBC) standards as well as applicable State and City of Helena building code requirements.~~
- ~~B. The outdoor amenity may require an exclusive ROW use permit from the City as part of the application process, pursuant to Section 7-13-5 of the City Code.~~
- ~~C. Design standards specific to patios/outdoor seating in the district shall require:~~
  - ~~1. Minimum 8 ft. of sidewalk clearance/traverse;~~

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- ~~2. A clearly defined space in which the activity will occur, along with physical separation from pedestrian circulation and public areas for those areas serving alcoholic beverages.~~

## **~~VIII. Outdoor Lighting Standards~~**

~~All new exterior lighting fixtures installed in the District are required to comply with standards designed to minimize light extending toward the sky or toward surrounding properties, in accordance with Title 10 Lighting Standards, in addition to the following design standards:~~

~~a) Lighting fixtures installed within the District after the adoption of these standards require a horizontal cut-off and shall not exceed 1,500 lumens.~~

~~b) The maximum height of a pole fixture shall be 24 ft. throughout the District.~~

## **~~IX. Landscaping Standards~~**

~~Landscaping within the District shall comply with the applicable design standards set forth in Section VI as well as the following requirements:~~

~~a) Off-premise landscaping in public right-of-way and boulevards shall meet the requirements of Title 7, Chapter 10 of the City Code and the Helena Arboricultural Standards.~~

~~b) Where on-premise landscaping is required, a minimum 60% of that required area shall be landscaped using live vegetative cover and plant species native to Lewis & Clark County, or xeriscaped to reduce water consumption onsite.~~